BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
July 5, 2011

<u>Call to Order</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 3:00 p.m., Tuesday, July 5, 2011 in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Susan B. Stimpson; Cord A. Sterling and Robert "Bob" Woodson.

Also in attendance were: Anthony J. Romanello, County Administrator; Charles L. Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Pamela L. Timmons, Deputy Clerk; associated staff, and interested parties.

Dr. Crisp presented a congratulatory letter, certificate, and a County flag to Eagle Scout, Jacob Hooghouse, Troop 179.

<u>Legislative</u>; <u>Presentations by the Public</u>: None

<u>Legislative</u>; <u>Presentations by Members of the Board</u> Board members spoke on the topics as identified:

Harry Crisp - Infrastructure Committee meeting overview;

(3) PPTA proposals; (4) Transportation projects;

Garrisonville Road sidewalk project;

Transportation Impact Fees are scheduled

for public hearing in January, 2012;

Traffic devolution study; Bonus Obligation Funds;

Belmont-Ferry Farm Trail, Phase 3; and

Rocky Pen Run Timber Cruise;

Dr. Jane Ingalls' appointment to the State

Board of Nursing

Paul Milde - Deferred

Gary Snellings - Public Safety Committee meeting overview;

Falmouth Beach issues; Abel Lake safety issues;

Fire and Rescue Standards report to the

Board scheduled for October, 2011

Cord Sterling - Presented award to Finance and Budget staff

Susan Stimpson - July 4th fireworks display;

Ferry Farm July 4th celebration;

Stafford Baseball League hosting the 2011 Virginia State Championship Tournament for 14U Girl's Fast Pitch Softball 7/7-7/9

at Smith Lake Park

Bob Woodson - Mr. Woodson made the following statement:

"My term as the elected representative for the Griffis-Widewater District on the Board of Supervisors comes to an end in December of this year. I will be retiring from public office and will not be running for re-election. It has been an honor to serve you for the past four years. I am particularly honored to have been the first African American ever elected to represent the citizens of Stafford County.

I stand by the decisions I made while in public office. I ran on a campaign of serving the people, not special interests. In making my decisions I have always asked myself, "what is in the best interest of the majority of citizens?"

For example, I introduced legislation called the Potomac River Resource Protection Ordinance. This legislation would have helped balance individual property rights and the public good by limiting the area in which regulations are applied and focusing on protecting water quality for everyone. A few developers didn't like this Ordinance. Consequently, it was repealed by the current Republican majority on the Board.

I also supported and voted for the Business, Professional and Occupational License. BPOL would have provided around \$3 million additional revenue to the County per year to help pay for infrastructure, schools and helped to dampen the tax burden on the average homeowner. But certain County businesses didn't want it so the current majority repealed it without any study or analysis.

I voted in favor of a so-called "consensus" Comprehensive Plan that removed urban development areas from the rural part of Widewater and Brooke. Unfortunately, the Republicans on the Board acted in bad faith and went back on its word – later returning the Brooke Urban Development Area to the Comprehensive Plan.

As you can tell, I have been a minority member of this Board in more ways than one. It has been a difficult path to follow, but one made easier by the many people who supported my efforts. I hope that others will take courage from my example, and that a new generation of activists will find the voice to speak truth to power.

Throughout my term I have been supported by residents who helped me to understand the issues they face, and citizen volunteers who served as my appointees to County Boards and Commissions. To all of you I owe my deepest gratitude for the contributions you have made. Thank you."

Mark Dudenhefer - Final report regarding redistricting

<u>Legislative</u>; <u>Report of the County Attorney</u> Mr. Charles Shumate deferred.

<u>Legislative</u>; Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, said that Board members were provided hard copy of the Comprehensive Plan and the Adopted FY2012 Budget, both of which are also available on-line. A detailed end of fiscal year report will be forthcoming regarding FY2011 and the financial goals that were realized.

Mr. Romanello also reported the addition to the agenda of Item 24. Bonus Obligations – Request to the Virginia Department of Transportation, and noted that copies of the upcoming presentations were included in the Add-on folder.

<u>Legislative</u>; <u>Additions and Deletions to the Regular Agenda</u> Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt the agenda with the addition of Item 24.

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

<u>Legislative</u>; <u>Consent Agenda</u> Dr. Crisp motioned, seconded by Ms. Stimpson, to adopt the Consent Agenda, consisting of Items 4 thru 12, omitting Items 8 and 10 which were pulled for discussion by Mr. Woodson.

The Voting Board tally was:

Yea: (7) Crisp, Stimpson, Dudenhefer, Milde, Snellings, Sterling, Woodson

Nay: (0)

Item 4. Approve Minutes of the June 21, 2011 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R11-197 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED JUNE 21, 2011 THROUGH JULY 4, 2011

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July 2011 that the above-mentioned EL be and hereby is approved.

<u>Item 6. Public Works; Petition VDOT to Include Port Aquia Drive and Schooner Way in Port Aquia Subdivision into the Secondary System of State Highways</u>

Resolution R11-196 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE PORT AQUIA DRIVE AND SCHOONER WAY WITHIN PORT AQUIA SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Port Aquia Drive and Schooner Way within Port Aquia Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July 2011 that VDOT be and it hereby is petitioned to include the following streets within Port Aquia Subdivision into the Secondary System of State Highways:

Street Name/Route Numb	<u>er</u> <u>Station</u>	<u>Length</u>
Port Aquia Dr. (SR-2188)	From: Jefferson Davis Hwy. (US-1) To: 0.05 W of Jefferson Davis Hwy. (US-1)	0.05 mi. ROW 70'
Port Aquia Dr. (SR-2188)	From: 0.05 W of Jefferson Davis Hwy. (US-1) To: Inter. Schooner Way (SR-2189)	0.15 mi. ROW 52'/70'
Schooner Way (SR-2189)	From: Inter. Port Aquia Dr. (SR-2188) To: 0.29 mi. NE of Port Aquia Dr. (SR-2188)	0.29 mi. ROW 52'
Schooner Way (SR-2189)	From: 0.08 mi. S of Inter. Port Aquia Dr. (SR-7). To: Inter. of Port Aquia Dr. (SR-2188)	2188) 0.08 mi. ROW 52'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Port Aquia, Section One recorded in PM040000184 with Instrument Number 040031283 on August 13, 2004; and Plat of Record entitled Port Aquia, Section Two recorded in PM060000004 with Instrument Number 060002095 on January 12, 2006; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation & Land Use Director at the VDOT Fredericksburg District Office.

<u>Item 7. Legislative; Approve Appointment of a Purchase of Development Rights Administrator</u>

Resolution R11-205 reads as follows:

A RESOLUTION TO APPOINT A PURCHASE OF DEVELOPMENT RIGHTS (PDR) ADMINISTRATOR

WHEREAS, in 2007, the Board established Stafford County Code, Chapter 22A, "Purchase of Development Rights"; and

WHEREAS, Stafford County Code, Section 22A-4, requires the Board to appoint a PDR Administrator; and

WHEREAS, Michael Neuhard was appointed PDR Administrator by Resolution of the Board on August 17, 2007 to serve at the pleasure of the Board; and

WHEREAS, Michael Neuhard is retiring in September, 2011; and

WHEREAS, the Board desires to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that Kathy Baker be and she hereby is appointed as PDR Administrator; and

BE IT FURTHER RESOLVED that the appointment be effective September 1, 2011.

Item 9. Utilities; Execute an Agreement with VDOT to Relocate Water and Sewer Utilities on Garrisonville Road

Resolution R11-214 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION GOVERNING RELOCATION OF WATER AND SEWER UTILITIES ON GARRISONVILLE ROAD (SR-610)

WHEREAS, the Virginia Department of Transportation (VDOT) will construct improvements on Garrisonville Road (SR-610) at its intersection with Mine Road (SR-684); and

WHEREAS, certain water and sanitary sewer adjustments are necessary for the project; and

WHEREAS, it is necessary for VDOT and the County to enter into an agreement regarding the water and sanitary sewer facilities adjustments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that the County Administrator be and he hereby is authorized to execute an agreement with the Virginia Department of Transportation for the adjustment of water and sanitary sewer facilities on Garrisonville Road (SR-610).

<u>Item 11. Economic Development; Execute a Contract to Construct the Belmont-Ferry</u> Farm Trail Phase 3

Resolution R11-213 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT TO CONSTRUCT PHASE 3 OF THE BELMONT-FERRY FARM TRAIL

WHEREAS, the Belmont-Ferry Farm Trail increases recreational opportunities for residents by providing connectivity between County parks, the Stafford Visitor Center, and numerous natural and cultural resources along the Rappahannock River in the Falmouth Historic District; and

WHEREAS, the Belmont-Ferry Farm Trail, referred to as the "Heritage Loop" in the recently approved Redevelopment Master Plan, will become an invaluable tourism asset that will create new economic development opportunities for Stafford County and the region; and

WHEREAS, Phase 3 of the Belmont-Ferry Farm Trail meets an identified deficiency for local and regional trails by creating a critical .89 mile link in the 4.02 mile long Trail; and

WHEREAS, J. L. Kent & Sons, Inc. submitted the lowest bid for this project in the amount of \$859,993, which staff has reviewed and determined is reasonable for the proposed services; and

WHEREAS, funding for this project is available in FY 2012 Transportation Fund; and

WHEREAS, funding from the SAFETEA-LU Grant program will reimburse Stafford County for eighty percent (80%) of project expenses and 20% matching funding by the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that the County Administrator be and he hereby is authorized to execute a contract with J. L. Kent & Sons, Inc., in an amount not to exceed Eight Hundred Fifty-nine Thousand, Nine Hundred Ninety-three Dollars (\$859,993) to construct Phase 3 of the Belmont-Ferry Farm Trail.

Item 12. Finance and Budget; Approve Contracts for the Purchase of Replacement Public Safety Vehicles as Provided for in the Approved FY2012 Budget

Resolution R11-221 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO APPROVE CONTRACTS FOR THE PURCHASE OF REPLACEMENT PUBLIC SAFETY VEHICLES CONSISTENT WITH THE BUDGET

WHEREAS, cash funding is included in the FY2012 Adopted Budget for the purchase of replacement ambulances and Sheriff's vehicles; and

WHEREAS, staff will exercise all options allowed by the procurement policy to achieve the best pricing for these purchases; and

WHEREAS, the procurement policy requires Board approval of contracts in excess of \$100,000, but opportunities to purchase vehicles often require commitment in a short time frame and between regular meeting of the Board; and

WHEREAS, the Board wishes to obtain the best possible pricing in order to get the best value for County taxpayers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that it be and hereby does authorize the County Administrator to approve contracts for the purchase of replacement public safety vehicles, consistent with the budget.

Item 8. Planning and Zoning; Refer to the Planning Commission an Amendment to the Comprehensive Plan to Incorporate an "Implementation Plan" Mr. Woodson stated that he would not vote in favor of this item due to the fact that he did not vote in favor of the approved Comprehensive Plan.

Mr. Milde motioned, seconded by Mr. Sterling to adopt proposed Resolution R11-210.

The Voting Board tally was:

Yea: (6) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson

Nay: (1) Woodson

Resolution R11-210 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION, AN AMENDMENT TO THE COMPREHENSIVE PLAN, SPECIFICALLY TO ADOPT AND INCORPORATE AN IMPLEMENTATION PLAN INTO THE TEXTUAL DOCUMENT, ENTITLED "STAFFORD COUNTY VIRGINIA COMPREHENSIVE PLAN 2010 – 2030"

WHEREAS, under Virginia Code Section 15.2-2229, the Board may amend its Comprehensive Plan; and

WHEREAS, the Stafford County Comprehensive Plan, specifically the textual document entitled "Stafford County Virginia Comprehensive Plan" 2010 - 2030 recommends the preparation and adoption of an Implementation Plan as an amendment to the Comprehensive Plan; and

WHEREAS, the Board believes that an Implementation Plan is necessary to ensure that the Comprehensive Plan's goals, objectives and policies are achieved;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that the Planning Commission be and it hereby is requested to consider an amendment to Stafford County Comprehensive Plan, specifically to adopt and incorporate an Implementation Plan into the textual document entitled "Stafford County Virginia Comprehensive Plan, 2010 – 2030";

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the amendment as it deems necessary.

Item 10. Planning and Zoning; Refer to the Planning Commission a Zoning Text Amendment to Amend and Reordain Stafford County Code, Section 28-25, "Definition of Specific Terms" Mr. Woodson inquired about a specific problem in the Widewater Area and whether this text amendment would include auto parts. Mr. Harvey replied that they would have to be pre-sorted and bundled. Otherwise, no part of this definition included an auto salvage yard.

Mr .Woodson motioned, seconded by Ms. Stimpson, to adopted proposed Resolution R11-212.

The Voting Board tally was:

Yea: (7) Woodson, Stimpson, Sterling, Crisp, Dudenhefer, Milde, Snellings

Nay: (0)

Resolution R11-212 reads as follows:

A RESOLUTION TO REFER A TEXT AMENDMENT TO THE PLANNING COMMISSION TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-25, "DEFINITIONS OF SPECIFIC TERMS"

WHEREAS, the Board desires to amend and reenact Stafford County Code, Section 28-25, entitled "Definitions of Specific Terms;" and

WHEREAS, currently "Recycling center" is not consistent with the listed use in the M-1, Industrial Light and M-2, Industrial, Heavy Zoning Districts which refers to "Recycling facilities;" and

WHEREAS, the Board desires to amend the term "Recycling center" under Section 28-25 to "Recycling facility" to be consistent with Section 28-35, Table 3.1 "District Uses and Standards" for the M-1, Industrial Light and M-2, Industrial, Heavy Zoning Districts; and

WHEREAS, the Board also desires to amend the definition of "Recycling center;" under Section 28-25; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that the amendment to Stafford County Code, Section 28-25, "Definitions of Specific Terms" by proposed Ordinance O11-37 be and it hereby is referred to the Planning Commission for a public hearing and the Planning Commission's recommendations and be returned to the Board in ninety (90) days; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the proposed amendment as it deems necessary.

Discuss Joint Land Use Study of Marine Corps Base Quantico (MCBQ) Ms. Cyrena Eitler, Office of Economic Adjustment; and Marine Corps Base Quantico Base Commander, Col. Dan Choike, gave a presentation on a proposed a joint land use study (JLUS) between MCBQ and adjacent localities including Fauquier, Prince William and Stafford counties. They stated that the Marine Corps is interested in how the localities will continue to grow, both residentially and commercially, and how it will affect MCBQ.

Ms. Stimpson said that she would like more direction about what sort of development the Base wants near its boundaries and wants to know which types of development were actionable and agreeable. Mr. Milde stated his concern that the Marine Corps would like to stop all development near the Base. He added that he would like to know what type of development would be considered permissible and encouraged by the Marines. Ms. Eitler stated that the type of development was up to the community who, in cooperation with the Marines, would decide on land use in areas considered to be in the encroachment zone. She added that the Marines and the localities involved have an equal voice in decisions that are made following the JLUS.

Mr. Sterling talked about through-put traffic at the gates and the impact of BRAC on the transportation infrastructure at Onville Road and Route 610, Garrisonville Road. He asked Ms. Eitler what MCBQ intended to do to improve traffic through-put. He added that Stafford has met every Base requirement in terms of land use and inquired what MCBQ was going to do to meet the County halfway.

Mr. Dudenhefer reiterated Mr. Sterling's comments and talked about exiting off I-95 east on Route 610 and asked about the plans for accessing that side of the Base. He added that the County needs assurance that a JLUS would provide joint 'give and take' with the issues that are on the table, adding that economic development has connectivity to the community, not just in the areas of land use, it is all tied together to maintain economic viability for Stafford. The federal government would fund the Study, but surrounding localities would have to cover 10 percent of the cost, either in cash or staff time. Mr. Dudenhefer felt that this undertaking would be a strain on County staff.

Col. Dan Choike thanked the Board for the opportunity to meet with them to discuss a JLUS and offered responses to Board member's comments and questions. In response to Dr. Crisp's invitation, Col. Choike replied that representatives from MCBQ would attend the September 6, 2011, Infrastructure Committee meeting.

Recess At 4:25 p.m., the Chairman declared a recess.

Call to Order At 4:40 p.m., the Chairman called the meeting back to order.

<u>Discuss Radon Detection and Mitigation – Dr. Brooke Rossheim, Health Director,</u> Virginia Department of Health Dr. Rossheim gave a presentation to the Board.

Mr. Snellings requested that this item be referred to the Public Safety Committee for discussion.

<u>Planning and Zoning</u>; <u>Wetlands Mitigation Bank</u> Mr. Jeff Harvey, Director of Planning and Zoning, updated the Board. He stated that currently, wetland mitigation banks are

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allowed as a by-right use in the A-1 and A-2 Zoning Districts (outside the Urban Services

Area) and otherwise, they require a Conditional Use Permit as a non-listed use.

Mr. Sterling asked about the possibility of a new zoning category. Mr. Dudenhefer stated

that he felt that there was no need for a change. Dr. Crisp and Mr. Snellings agreed. Mr.

Sterling added that he likes the concept, just not in incompatible areas.

Dr. Crisp motioned, seconded by Mr. Snellings, to rescind Resolution R11-117, which

referred this issue to the Planning Commission.

The Voting Board tally was:

Yea: (6)

(6) Crisp, Snellings, Dudenhefer, Sterling, Stimpson, Woodson

Nay:

(0)

Absent: (1)

l) Milde

Discuss Appointments to the George Washington Toll Road Authority Mr. Sterling

motioned, seconded by Mr. Snellings, to appoint Scott Mayausky, Commissioner of the

Revenue, and Supervisors Harry Crisp and Paul Milde to the Authority.

The Voting Board tally was:

Yea:

(6)

Sterling, Snellings, Crisp, Dudenhefer, Stimpson, Woodson

Nay:

(0)

Absent: (1)

Milde

Planning and Zoning; Proposed Transfer of Development Rights (TDR) Ordinance Mr.

Sterling motioned, seconded by Mr. Snellings, to defer this item. No date was specified

by which this item should be returned for further consideration.

The Voting Board tally was:

Yea:

(6) Sterling, Snellings, Crisp, Dudenhefer, Stimpson, Woodson

Nav:

(0)

Absent: (1)

Milde

<u>Legislative</u>; <u>Closed Meeting</u>. At 5:10 p.m., Mr. Sterling motioned, seconded by Dr. Crisp, to adopt proposed Resolution CM11-12.

The Voting Board tally was:

Yea: (6) Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Absent: (1) Milde

Resolution CM11-12 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting (1) legal advice regarding possible settlement of pending litigation, *Stafford County Board of Supervisors, Virginia v. Liberty Place L.C.;* (2) a Personnel Matter regarding the County Administrator's Annual Performance Evaluation; (3) a Personnel Matter regarding the County Attorney's Performance Evaluation; and (4) a Real Estate Matter regarding potential acquisition of Real Property for Public Purpose and Consultation with Legal Counsel regarding this potential acquisition; and

WHEREAS, pursuant to Section 2.2-3711 A.1 and A.7, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 5th day of July, 2011, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order</u>. At 6:20 p.m., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u> Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM11-12(a).

The Voting Board tally was:

Yea: (7) Sterling, Snellings, Crisp, Stimpson, Dudenhefer, Milde, Woodson

Nay: (0)

Resolution CM11-12(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JULY 5, 2011

WHEREAS, the Board has, on this the 5th day of July, 2011 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 5th day of July, 2011, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 6:20 p.m., the Chairman declared a recess until 7:00 p.m.

<u>Call to Order</u> At 7:00 p.m., the Chairman called the meeting back to order.

<u>Invocation</u> Ms. Stimpson gave the Invocation.

<u>Pledge of Allegiance</u> Mr. Dudenhefer led the Pledge of Allegiance.

Legislative; Presentations by the Public

The following persons desired to speak: Paul Waldowski - Redistricting plan

<u>Planning and Zoning</u>; Amend and Reordain the Zoning Ordinance by Amending <u>Proffered Conditions at 454 Cambridge Street</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Rick Furnival of Sullivan, Donahoe and Ingalls, stated that his office, as well as the applicant, have agreed to all proffer changes.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Woodson stated that he would not vote in favor of this because he feels that a Traffic Impact Analysis (TIA) should have been done and that this will increase the traffic in the area. Ms. Stimpson asked Mr. Harvey for clarification on Mr. Woodson's TIA concern.

Mr. Harvey stated that a TIA was not needed because the proffers limit the intensity of uses for the property. Mr. Harvey added that if usage of the property changes, thus increasing traffic, Board action and a TIA would be required.

Ms. Stimpson said that she met with staff and consulted with Mr. Scott Hirons, Planning Commissioner for the Falmouth District, and that both she and Mr. Hirons were comfortable with the changes and that she would support the proposed Ordinance.

Ms. Stimpson motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O11-29.

The Voting Board tally was:

Yea: (6) Stimpson, Snellings, Milde, Crisp, Dudenhefer, Sterling

Nay: (1) Woodson

Ordinance O11-29 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCEL 45-213, ZONED B-2, URBAN COMMERCIAL, FALMOUTH ELECTION DISTRICT

WHEREAS, Cambridge Properties, LLC has submitted application RC1100061 requesting an amendment to proffered conditions on Assessor's Parcel 45-213 zoned B-2, Urban Commercial, consisting of 4.72 acres, located on the southeast corner of the Cambridge Street (U.S. Route 1) / Manning Drive intersection, within the Falmouth Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board has determined that the requested amendment to proffered conditions is appropriate; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to amend the proffered conditions on the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the zoning district map to amend proffered conditions on Assessor's Parcel 45-213, zoned B-2, Urban Commercial,

as shown in the attached proffers entitled, "Assessor's Parcel 45-213, Corner of Manning Drive & Cambridge Street, Cambridge Properties, LLC, Applicant," and dated May 3, 2011

<u>Utilities</u>; <u>Authorize the Issuance and Sale of Water and Sewer Revenue Bonds</u> Ms. Deirdre Jett, Financial Analyst, gave a presentation and answered Board members questions. Mr. Harry Critzer, Director of Utilities also answered questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Dean Fetterolf

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Woodson, to defer this item to the September 6th Board meeting. This item will also be added to the Finance and Budget Committee agenda for its August 16th meeting.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Crisp, Dudenhefer, Milde, Snellings, Stimpson

Nay: (0)

Parks, Recreation and Community Facilities; Convey a Natural Gas Pipeline on County-Owned Property at Mountain View High School and Margaret Brent Elementary School Mr. Chris Hoppe, Director of Parks, Recreation and Community Facilities, gave a presentation and answered Board members questions. Mr. Woodson asked if staff had any safety concerns with the placement of the gas lines in close proximity to two schools. Mr. Hoppe responded that staff did not have any safety concerns.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling expressed his concern about the placement of the pipeline. He said that he had received calls from citizens who were concerned that the pipeline would be placed under playing fields. Mr. Hoppe stated that the pipeline would be installed along the roadway, not under playing fields.

Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R11-208.

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

Resolution R11-208 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONVEY A NATURAL GAS PIPELINE EASEMENT TO COLUMBIA GAS OF VIRGINIA, INC. ON COUNTY-OWNED PROPERTY AT MOUNTAIN VIEW HIGH SCHOOL AND MARGARET BRENT ELEMENTARY SCHOOL

WHEREAS, natural gas services are desired at Mountain View High School and Margaret Brent Elementary School; and

WHEREAS, as part of the arrangements from the Public-Private Educational Facilities Infrastructure Act project used to construct these two schools, Stafford County Schools leases the land occupied by these two schools from the County; and

WHEREAS, the County must convey a natural gas pipeline easement to Columbia Gas of Virginia Inc. to install natural gas facilities at these schools; and

WHEREAS, the Board has carefully considered the recommendations of staff and public testimony at the public hearing; and

WHEREAS, the Board finds that conveying the easement serves the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that the County Administrator be and he hereby is authorized to convey a natural gas pipeline easement on County-owned property at Mountain View High School and Margaret Brent Elementary School to Columbia Gas of Virginia, Inc.

Public Works; Amend and Reordain Stafford County Code, Section 15-56 Entitled "Designation of Restricted Parking Areas" to Establish a Restricted Parking Area in the Perry Farms Subdivision Mr. Keith Dayton, Director of Public Works, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Laurel Baker

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O11-33.

The Voting Board tally was:

Yea: (7) Woodson, Sterling, Crisp, Dudenhefer, Milde, Snellings, Stimpson

Nay: (0)

Ordinance O11-33 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO INCLUDE STREETS IN PERRY FARMS SUBDIVISION

WHEREAS, Sections 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorize the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Perry Farms Homeowners Association approved a resolution dated May 2, 2011, requesting the establishment of a restricted parking area within the Perry Farms Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board has conducted a public hearing in accordance with Section 15.2-1427 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board has carefully considered the recommendations of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this, the 5th day of July, 2011, that Stafford County Code, Section 15-56, entitled "Designation of Restricted Parking Areas," be and it hereby is amended and reordained as follows, all other portions remain unchanged:

(f) The following constitute the restricted parking areas within Stafford County where the provisions of this ordinance are in full force and effect:

(12) Perry Farms Subdivision on the following named streets:

- (A) Chadwick Drive;
- (B) Newbury Drive;
- (C) Thaxton Court;

Public Works; Amend and Reordain Stafford County Code, Section 15-56 Entitled "Designation of Restricted Parking Areas" to Establish a Restricted Parking Area in Kings Crest Subdivision Mr. Keith Dayton, Director of Public Works, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Ordinance O11-34.

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

Ordinance O11-34 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF

RESTRICTED PARKING AREAS" TO INCLUDE STREETS IN KINGS CREST SUBDIVISION

WHEREAS, Sections 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorize the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Kings Crest Community Association approved a resolution dated April 14, 2011, requesting the establishment of a restricted parking area within Kings Crest Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board has conducted a public hearing in accordance with Section 15.2-1427 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board has carefully considered the recommendations of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this, the 5th day of July, 2011, that Stafford County Code, Section 15-56, entitled "Designation of Restricted Parking Areas," be and it hereby is amended and reordained as follows, all other portions remain unchanged:

- (f) The following constitute the restricted parking areas within Stafford County where the provisions of this ordinance are in full force and effect:
 - (13) Kings Crest Subdivision on the following named streets:
 - (A) Augusta Drive;
 - (B) Hermitage Drive;
 - (C) Seasons Lane;

<u>Legislative</u>; <u>Authorize Stafford County to Join the George Washington Toll Road</u> <u>Authority</u> Mr. Michael Neuhard, Deputy County Administrator, gave a presentation and answered Board members questions. He stated that this was the second of two required public hearings and that the Board was asked to vote on this issue.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O11-31.

The Voting Board tally was:

Yea: (6) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson

Nay: (1) Woodson

Ordinance O11-31 reads as follows:

AN ORDINANCE TO ENACT AND ORDAIN STAFFORD COUNTY CODE, CHAPTER 29, ENTITLED "GEORGE WASHINGTON TOLL ROAD AUTHORITY"

WHEREAS, during the 2009 reconvened session, the General Assembly adopted legislation to create the George Washington Toll Road Authority (the Authority); and

WHEREAS, in 2010, the City of Fredericksburg and Spotsylvania County implemented the 2009 legislation by each locality's governing body holding at least two public hearings and adopting an ordinance; and

WHEREAS, during the 2011 Session, the General Assembly amended the legislation to include Stafford County as a participating locality in the Authority; and

WHEREAS, the Board held two public hearings regarding the Authority and this Ordinance and received public testimony; and

WHEREAS, the Board has carefully considered the recommendations of staff and the testimony at the public hearing; and

WHEREAS, the Board finds that adopting this Ordinance and participating in the Authority serves the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that Stafford County Code, Chapter 29, entitled "George Washington Toll Road Authority," be and it hereby is enacted and ordained as follows:

Chapter 29 – RESERVED GEORGE WASHINGTON TOLL ROAD AUTHORITY

Sec. 29-1. - Introduction.

The 2009 Virginia General Assembly adopted Chapter 801 of the 2009 Acts of the Assembly (the 2009 Act) to create the George Washington Toll Road Authority (the Authority), and to prescribe its powers and duties. The 2009 Act required both the Fredericksburg City Council and the Spotsylvania County Board of Supervisors to implement the legislation through a public hearing process. Both the Fredericksburg City Council and the Spotsylvania County Board of Supervisors held at least two public hearings and each locality's governing body adopted an ordinance implementing the 2009 Act. The 2011 Virginia General Assembly adopted Chapter 142 of the 2011 Acts of Assembly (the 2011 Act) that added Stafford County as a participating locality in the Authority. This Chapter is adopted to implement the 2011 Act.

State law references: Chapter 801 of the 2009 Acts of Assembly and Chapter 142 of the 2011 Acts of Assembly.

Sec. 29-2. - George Washington Toll Road Authority.

The name of the regional authority described in this chapter shall be the George Washington Toll Road Authority.

<u>State law references:</u> Chapter 801 of the 2009 Acts of Assembly and Chapter 142 of the 2011 Acts of Assembly.

Sec. 29-3. - Purpose and duties; powers.

The George Washington Toll Road Authority is implemented pursuant to Chapter 801 of the 2009 Acts of Assembly and Chapter 142 of the 2011 Acts of Assembly (the authorizing legislation), to design, finance, construct, and operate a public highway(s) and public highway improvements, as more specifically set forth in the authorizing legislation. The Authority and participating localities shall have all those powers and duties as set forth in the authorizing legislation. The county may exercise particular powers granted to participating localities by the authorizing legislation through the enactment of an ordinance or resolution, as may be proper.

State law references: Chapter 801 of the 2009 Acts of Assembly and Chapter 142 of the 2011 Acts of Assembly.

Sec. 25-4. - Membership.

Membership in the Authority shall be three (3) participating localities: Stafford County, the City of Fredericksburg, and Spotsylvania County. After the Authority has been in existence for at least one (1) year, additional localities from contiguous localities may be admitted as participating localities by a vote of at least seventy (70) percent of the members of the board of directors, as set forth in the authorizing legislation.

<u>State law references:</u> Chapter 801 of the 2009 Acts of Assembly and Chapter 142 of the 2011 Acts of Assembly.

Sec. 25-5. - Board of directors.

The Authority shall be governed by a board of directors consisting of ten (10) members, all with voting powers: three (3) members to be appointed by Stafford County from among its elected officials; three (3) members to be appointed by Spotsylvania County from among its elected officials; three (3) members to be appointed by the City of

Fredericksburg from among its elected officials; and the Commissioner of the Virginia Department of Transportation or his designee. The terms of office of each member of the board shall be as set forth in the authorizing legislation. The board of directors shall elect such officers and adopt such rules as directed by the authorizing legislation.

State law references: Chapter 801 of the 2009 Acts of Assembly and Chapter 142 of the 2011 Acts of Assembly.

Sec. 25-6. - Withdrawal from Authority; dissolution of Authority.

Any participating locality may withdraw from the Authority, provided that locality repays its share of any Authority indebtedness outstanding at the time of withdrawal. The withdrawal of all localities or all but one (1) locality shall constitute the dissolution of the Authority. Upon dissolution of the Authority, all Authority facilities, including highways and limited access highways, shall revert to the participating localities.

<u>State law references:</u> Chapter 801 of the 2009 Acts of Assembly and Chapter 142 of the 2011 Acts of Assembly.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately.

<u>Bonus Obligation – Request to the Virginia Department of Transportation</u> Mr. Sterling motioned, seconded by Dr. Crisp, to adopt proposed Resolution R11-215.

The Voting Board tally was:

Yea: (7) Sterling, Crisp, Milde, Snellings, Dudenhefer, Stimpson, Woodson

Nav: (0)

Resolution R11-215 reads as follows:

A RESOLUTION TO APPROVE FEDERAL FISCAL YEAR 2011 FEDERAL BONUS OBLIGATION PROGRAM PROJECTS

WHEREAS, it is the desire of the Board to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal bonus obligation funds on a Federal Fiscal Year (FFY) basis; and

WHEREAS, the extent of funding available for FFY2011 has not yet been determined; and

WHEREAS, bonus obligation funds must be obligated towards a project soon after they are they are committed, severely restricting the number of projects on which they may be used;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July, 2011, that it be and it hereby does indicate its

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desire that County staff and the Virginia Department of Transportation collaborate to identify construction and/or maintenance projects in Stafford County to allocate

FFY2011 federal bonus obligation program funds; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Fredericksburg Area Metropolitan Planning Organization (FAMPO)

Administrator.

Mr. Dudenhefer motioned, seconded by Ms. Stimpson, to direct the County Administrator to advertise a public hearing relative to the condemnation of a permanent sidewalk easement and temporary construction easement over the land of Jacqueline

Demory (Tax Map Parcel 20-117A).

The Voting Board tally was:

Yea: (7) Dudenhefer, Stimpson, Crisp, Milde, Snellings, Sterling, Woodson

Nay: (0)

Adjournment At 8:04 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM County Administrator

Mark Dudenhefer Chairman